

Appl. No. 10/682,084

REMARKS/ARGUMENTS

With the above amendment, entry of which is respectfully requested, this application contains claims 1-21, including new claims 20 and 21 as discussed below.

In the above amendment, claim 1 is amended to recite that a new node monitors for detection of said message and for wireless network traffic, responds to the recited message by sending a reply, and responds "to wireless network traffic by waiting for a pause in the wireless network traffic and sending a message during the pause to indicate the presence of the new node". Consequential amendments are made in the claims for consistency and clarity of the claim wording.

This amendment of the claims does not add any new matter and is fully supported by the original disclosure, see for example page 14, lines 10-16 and Fig. 5 of the drawings.

In the Action, claims 1, 8-9, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Clare et al. US Patent No. 6,414,955 (hereinafter "Clare"), and all of the remaining claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Charas US Patent No. 6,381,462 (hereinafter "Charas") and Clare.

Claims 1-20, at least as now amended, clearly and patentably distinguish the present invention as claimed from Clare and Charas individually and in any combination.

More particularly, claim 1 as now amended recites that a new node monitors for detection of said message and for wireless network traffic. Clare does not disclose or suggest that a new node monitors for wireless network traffic, only that a new node listens for "invitations" corresponding to the message recited in claim 1 (see e.g. Clare col. 8, lines 41-44).

Appl. No. 10/682,084

Further, claim 1 as now amended recites that a new node responds "to wireless network traffic by waiting for a pause in the wireless network traffic and sending a message during the pause to indicate the presence of the new node". Clare does not disclose or suggest this feature of the present invention as now recited in claim 1.

Charas adds nothing to the disclosure of Clare of relevance in this respect.

It is observed that this constitutes a significant and patentably distinct difference of the invention as claimed from Clare and Charas. For example, as a result of the monitoring of wireless network traffic by a new node, it is not necessary for existing nodes of a network to send the "message for detection by any new node" recited in claim 1, i.e. the invitation or welcome message, in directions where there is wireless network traffic. There is no disclosure or suggestion of this in Clare or Charas.

For at least the above reasons, it is respectfully submitted that claim 1 as now amended, and consequently each of claims 1-20, is properly allowable over Clare and/or Charas.

New claim 21 added by the above amendment combines all of the features of original claims 1 and 14. New claim 22 depends from claim 21 and adds the same features as recited in claim 15. Accordingly, these new claims 20 and 21 also do not introduce any new matter.

The rejection in the Action of previous claims 14, and 15 under 35 U.S.C. 102(b) as being anticipated by Clare would also apply to the new claims 21 and 22. In this respect the Detailed Action contended that Clare discloses "in each node which communicates with another node of the network using a given frequency, compiling a list of preferred frequencies for potential use for such communications in the event of failure of such communications using the given frequency" as recited now in claim 21, and "detecting failure of such communications using the given frequency, sending an indication of a preferred frequency from its list via other communications paths of the network, and sending to said another node a message to use the preferred frequency for restoring the failed communications" as recited now in claim 22.

Appl. No. 10/682,084

However, these features are not disclosed or suggested by Clare, either in the particular passages referred to in the Detailed Action or elsewhere. More particularly, Clare does not disclose or suggest any list of preferred frequencies, and does not address any failure of communications or detecting such failure and the other features of claim 22. Charas adds nothing to the disclosure of Clare of relevance in this respect. Accordingly, it is respectfully submitted that the new claims 21 and 22 are also properly allowable over Clare alone and in combination with Charas.

In view of the above amendments, remarks, and clear distinctions of the present invention as claimed from the disclosures of Clare and Charas, it is believed unnecessary to discuss these references in further detail

For at least the above reasons, it is respectfully submitted that all of the claims of this application, at least as now amended, are not anticipated by, and are not unpatentable over, any of the prior art of record. Accordingly, it is respectfully submitted that this application is now in proper condition for allowance, and action to this end is courteously requested.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

ADRIAN SMITH, ET AL

By 

James McGraw
Reg. No. 28,168
Tel. (613) 232-2486

Date: March 8, 2006

RJH:blb